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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000149

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SUBJECT: U.S.- IRAQ SECURITY AGREEMENT: JOINT COMMITTEE
INAUGURATED

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Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d).

¶1. (U) Summary. On January 15, the United States and the Republic of Iraq held the inaugural meeting of the Joint Committee (JC), established under the auspices of the U.S. - Iraq Security Agreement (SA). The meeting was co-chaired by General Raymond Odierno, Commanding General, Multi-National Forces-Iraq (MNF-I), Jawad al-Bulani, Iraqi Minister of the Interior, and Patricia Butenis, Charge d'affaires. Several Iraqi Ministers and U.S. and Iraqi co-chairs of the joint subcommittees (JSCs) attended, with the important exception of the Iraqi co-chair of the Detainee Affairs JSC, whom the GOI has yet to name. The atmosphere was cordial, and the two sides reached agreement on organizational and procedural issues. The next JC meeting is to occur on February 19. End Summary.

¶2. (U) The U.S.-Iraq Security Agreement (SA), which entered into force on January 1, 2009, governs the presence and activities of U.S. Forces in Iraq. Under the SA, "U.S. Forces" is defined as not only U.S. armed forces, but also their associated civilian component, including DoD civilians and DoD contractors. U.S. Department of State (DoS) personnel, as well as DoS contractors and personnel from other agencies, are not under the purview of the SA.

¶3. (U) Article 23 of the SA establishes a committee structure to implement the provisions of the SA. At the apex of this committee structure is the Joint Ministerial Committee (JMC), a high-level committee composed of the Secretary of State, Secretary of Defense, U.S. Ambassador, and Commanding General of MNF-I on the U.S. side and the Prime Minister, Minister of Foreign Affairs, Minister of Defense, and Minister of Interior on the Iraqi side. The charter of the JMC is to resolve issues fundamental to the interpretation of the SA, but by its very composition, the JMC will meet infrequently. To carry out the mandate of the JMC, the SA creates two other committees, the Joint Military Operations Coordination Committee (JMOCC) and the Joint Committee (JC). The JMOCC and its four joint subcommittees (JSCs) deal with issues that are primarily military, including military operations, security in the international zone (IZ, also termed the "Green Zone"), vehicle, vessel and aircraft movement, and transfer of security to provinces. The JC is tasked with issues that have a military connection but are less directly related to military operations of U.S. Forces, including detainee affairs, jurisdiction, facilities and agreed areas, entry and exit procedures, claims, import and export of U.S. Forces material, surveillance and airspace control, and frequency management.

¶4. (U) The inaugural meeting of the JC convened at Adnon Palace at 10:00 a.m. on January 15, 2009. The meeting was co-chaired by General Raymond Odierno, Commanding General, MNF-I, Jawad al-Bulani, Iraqi Minister of the Interior (MinInt), and Patricia Butenis, Charge d'affaires, assisted by U.S. Embassy representative Ambassador Jackson McDonald,

U.S. SA Secretariat Director Major General (MG) Timothy McHale, and Iraqi SA Secretariat Director MG Adelskareem Khalaf. In addition to the U.S. and Iraqi co-chairs of the JSCs, several cabinet ministers were in attendance, including Minister of Trade (MinTrade) Al-Sudani, Minister of Communications (MinCom) al-Rahman, Minister of Transportation (MinTrans) al-Jabar Ismail, Minister of Justice (MinJustice) al-Safi, Chief Justice Medhat and the Prime Minister's Chief of Staff (COS) Tariq Abdullah.

15. (U) The three JC co-chairs delivered opening remarks. Interior Minister Bulani stated the convening of the JC marked the beginning of a historic moment and that the Iraqi side was fully committed to implementing the SA. General Odierno followed Minister Bulani, noting that U.S. Forces will respect Iraqi sovereignty and that continued partnership and good faith were necessary to implement the SA. Charge d'affaires Butenis reminded that there are many details yet to be worked out in the SA and for this reason, the work of the JC and JSCs is important to SA implementation.

16. (C) The co-chairs of the JSCs under the JC were introduced, as follows: (1) Facilities and Agreed Upon Areas, Brigadier General (BG) Stein and PM COS Tariq Abdullah; (2) Claims, Colonel Gade and MinJustice al-Safi; (3) Entry and Exit, BG Stein and MinInt Bulani; (4) Imports and Exports, BG Stein and MinTrade al-Sudani; (5) Jurisdiction, Colonel Gade and Chief Justice Medhat; (6) Frequency Management, BG Brundidge and MinCom al-Rahman; (7) Surveillance and Airspace Control, MG McHale and MinTrans al-Jabar Ismail. There was confusion, however, on the Iraqi-side regarding the co-chair of the eighth JSC, Detainee

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Affairs. MG Swan was announced as the U.S. co-chair, but it was clear the Iraqi side had not designated a co-chair and that Chief Justice Medhat was only a stand-in. The Embassy and U.S. Forces have been accustomed to working detainee issues with Deputy PM Barham Salih's office. There is concern on the U.S. side that work previously undertaken and agreement reached may be lost. The detainee issue is a sensitive one for the GOI, and, with provincial elections scheduled for January 31, the GOI possibly intends to wait until after the elections before nominating a representative to serve on this JSC.

17. (U) U.S. SA Secretariat Director MG McHale, with the concurrence of Iraqi Secretariat Director MG Adelskareem Khalaf, outlined the JC and JSC mandates and procedural matters. The SA committees focus on interpretation and resolution of issues arising from SA implementation. The purpose of the JC is to provide oversight and strategic guidance to its JSCs, with the JC serving as an appellate authority. Most of the issues affecting the SA are to be resolved in the JSCs, which are staffed with the appropriate level of expertise. In the event the JSCs cannot reach consensus, they elevate the issue to the JC for review and guidance. The JSCs will report on their progress to the JC in the form of agreed upon minutes of issues being worked and decisions reached. As an appellate committee, the JC will meet less frequently than the JSCs, most likely once a month, although possibly more frequently during the start-up period. Attendees to the JC are to be limited to the leaders of the JC and its JSCs, the Secretariats, and experts as required based on the agenda. The Secretariats are to develop jointly agreed upon agendas for each session several days in advance, which will include time for the JSCs to brief the JC on issues and progress made.

18. (U) The overall good will evidenced in the meeting was made apparent when the Iraqi side proposed hosting the next two meetings of the JC, stating it is Iraqi custom to host three times before allowing a guest to host, a gesture that the U.S. side accepted. The next meeting has been set for February 19.

19. (C) Comment. The Iraqi delegation avidly participated in this first meeting of the JC, which was well-orchestrated by the U.S. SA Secretariat and MOI Bulani. All the co-chairs attended with the exception of the Iraqi co-chair of the Detainee Affairs JSC, which has yet to be designated. This is a cause for concern, as Detainee Affairs is a critical JSC, which will decide the status of over 16,000 detainees turned over to Iraqi custody by U.S. Forces. It appears that the GOI is reluctant to engage on this politically charged issue until after provincial elections on January 31. Nevertheless, despite this hiccup, the inaugural JC meeting got off to a successful start toward implementing the SA. End Comment.
CROCKER